UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

JASON ADAM JENSEN,)	
Plaintiff,)	
v.) Case No. 6:22-CV-03140-Bo	CW
CITIBANK, N.A., et al.,)	
Defendants.)	

DEFENDANTS CITIBANK, N.A. AND CITIGROUP, INC.'S MOTION TO DISMISS UNDER RULE 12(B)(5)

Defendants Citibank, N.A. and Citigroup, Inc. (collectively, the "Citi Defendants") move to dismiss Plaintiff Jason Adam Jensen's ("Jensen") Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(5). In support of this Motion, the Citi Defendants state as follows:

- 1. Jensen has failed to effect sufficient service of process pursuant to Federal Rule of Civil Procedure 4. Indeed, the summons directed to the Citi Defendants have been returned unexecuted. See Docs. 50-1 and 50-2.
- 2. Jensen has not attempted to remedy service defects; instead, he has elected to file a spurious motion for injunctive relief prohibiting future refusal of service. See Doc. 51. Such a motion does nothing but demonstrate that Jensen agrees that Rule 4 service has not occurred.
 - 3. Further, it is now well past the required 90-day period for service under Rule 4(m).
- 4. For these reasons and for those reasons advanced in the Citi Defendants' accompanying memorandum in support, this Court should dismiss Count III of Jensen's Amended Complaint, which is the sole claim brought against the Citi Defendants.

WHEREFORE this Court should grant this Motion; dismiss with prejudice Count III of the Amended Complaint; and grant such other and further relief as may be necessary.

Dated: May 2, 2023 Respectfully Submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

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ATTORNEYS FOR DEFENDANT CITIBANK, N.A. AND CITIGROUP, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that, on May 2, 2023, the foregoing was served on all counsel of record via this Court's electronic filing system.

/s/ Benjamin A. Ford